

A. REPORT TO THE HEARING EXAMINER

HEARING DATE: April 18, 2017

Project Name: Sediment Deposition Mitigation

Owner: Lake Houses at Eagle Cove, P.O. Box 359, Renton, WA 98057

Applicant/Contact: Michael Lloyd, Lloyd & Associates, Inc., 255 Camaloch Dr, Camano Island, WA, 98282

File Number: LUA16-000977, ECF, SM

Project Manager: Clark H. Close, Senior Planner

Project Summary: The applicant is requesting approval of a Shoreline Substantial Development Permit, a Hearing Examiner Special Fill and Grade Permit and Environmental (SEPA) Review to continue periodic dredging of Lake Washington near the May Creek Delta because of soil and sediment accumulation for a period of 10 years. In recent history, the area was dredged in 1994, 1997, 2001/2002, and 2011. The proposed dredging project is estimated to be required every 3-5 years to maintain and preserve navigational access to the boathouse, shared use dock, and recreational access to Lake Washington for four (4) single-family residences (Lake Houses at Eagle Cove). Approximately 2,500 to 4,000 CY would be dredged during each dredging event. The proposed project site is located from 3905 Lake Washington Blvd N to the boat house just north of 3979 Lake Washington Blvd N (APN's 3342700011, -0009, -0007, -0005, and 0518501150) in Renton, WA. The parcels are zoned Residential-6 (R-6) and Residential-10 (R-10). The dredging and mitigation work is anticipated to be conducted in two phases, beginning in 2017.

Project Location: 3905, 3907, 3909 and 3979 Lake Washington Blvd N, Renton, WA 98056 and 4011 Wells Ave N, Renton, WA 98056

Site Area: 2.09 acres (91,000 square feet)



Project Location Map

B. EXHIBITS:

- Exhibits 1-20: As shown in the SEPA Environmental Review Report
- Exhibit 21: Staff Report to the Hearing Examiner
- Exhibit 22: Environmental "SEPA" Determination, ERC Mitigation Measures and Advisory Notes

C. GENERAL INFORMATION:

1. **Owner(s) of Record:** Lake Houses at Eagle Cove, P.O. Box 359, Renton, WA 98057
2. **Zoning Classification:** Residential-6 (R-6) and Residential-10 (R-10)
3. **Comprehensive Plan Land Use Designation:** Residential Medium Density (RMD) and Residential High Density (RHD)
4. **Existing Site Use:** Boathouse and Single-Family Residential on Lake Washington
5. **Critical Areas:** Regulated Shoreline: MC-A May Creek Reaches;
Regulated Shoreline: Shoreline High Intensity
6. **Neighborhood Characteristics:**
 - a. **North:** Residential High Density (RHD) Use and Residential-10 (R-10) zoning district.
 - b. **East:** Residential High Density (RHD) Use and Residential-10 (R-10) zoning district east of the boathouse and Residential Medium Density (RMD) land use designation and Residential-6 (R-6) zoning district east of the single-family properties.
 - c. **South:** Residential Medium Density (RMD) land use designation and Residential-6 (R-6) zoning district.
 - d. **West:** Residential Medium Density (RMD) land use designation and Lake Washington is located to the west of the land parcels.
6. **Site Area:** 2.09 acres

D. HISTORICAL/BACKGROUND:

<u>Action</u>	<u>Land Use File No.</u>	<u>Ordinance No.</u>	<u>Date</u>
Comprehensive Plan	N/A	5758	06/22/2015
Zoning	N/A	5758	06/22/2015
Annexation (Friends of Youth)	A-59-006	1791	09/09/1959
Barbee Mill Soil Remediation	LUA02-069	N/A	01/24/2003
Lake Washington/May Creek Dredging	LUA05-138	N/A	04/18/2006
Boathouse Replacement	LUA11-059	N/A	08/03/2011
Barbee Maintenance Dredging Mitigation Shoreline Exemption	LUA16-000388	N/A	05/27/2016

E. PUBLIC SERVICES:**1. Existing Utilities**

- a. Water: Water service is provided by the City of Renton.
- b. Sewer: Wastewater service is provided by the City of Renton.
- c. Surface/Storm Water: The existing properties do not contain storm water facilities.

2. Streets: The subject properties are abutting Lake Washington Blvd N and gain access from Wells Ave N.

3. Fire Protection: Renton Fire Authority (RFA)

F. APPLICABLE SECTIONS OF THE RENTON MUNICIPAL CODE:**1. Chapter 2 Land Use Districts**

- a. Section 4-2-020: Purpose and Intent of Zoning Districts
- b. Section 4-2-070: Zoning Use Table – Uses Allowed in Zoning Designations

2. Chapter 3 Environmental Regulations and Overlay Districts

- a. Section 4-3-050: Critical Area Regulations
- b. Section 4-3-090: Shoreline Master Program Regulations

3. Chapter 9 Permits – Specific

- a. Section 4-9-080 Grading, Excavation and Mining Permits and Licenses
- b. Section 4-9-190 Shoreline Permits

4. Chapter 11 Definitions**G. APPLICABLE SECTIONS OF THE COMPREHENSIVE PLAN:**

1. Land Use Element
2. Shoreline Management Element

H. FINDINGS OF FACT (FOF):

1. The Planning Division of the City of Renton accepted the above master application for review on December 29, 2016 and determined the application complete on January 13, 2017. The project complies with the 120-day review period.
2. The project site is located at 3905, 3907, 3909 and 3979 Lake Washington Blvd N, Renton, WA 98056 and 4011 Wells Ave N, Renton, WA 98056 (*Exhibit 2*).
3. The project site is currently developed with a boathouse, four (4) single family homes and a shared use dock.
4. Navigational access to the site would be provided from Lake Washington. Vehicular access to the boathouse and residential properties is from Wells Ave N.
5. The property is located within the Residential Medium Density (RMD) and Residential High Density (RHD) Comprehensive Plan land use designation.
6. The site is located within the Residential-6 (R-6) and Residential-10 (R-10) zoning classifications.

7. The applicant is proposing to continue periodic dredging of depositional sediments that have accumulated within Lake Washington, near the May Creek Delta, for a period of 10 years.
8. The proposed dredging project is estimated to be required every 3-5 years to maintain and preserve navigational access to the boathouse, shared use dock, and recreational access to Lake Washington for four (4) single-family residences (Lake Houses at Eagle Cove).
9. Approximately 2,500 to 4,000 CY would be dredged during each dredging event.
10. The site is mapped within the May Creek Reach A regulated shoreline jurisdiction and shoreline high intensity regulated shoreline designation.
11. The applicant is anticipating dredging and mitigation work to be conducted in two phases, beginning in 2017.
12. As of the date of this report, no public comments were received.
13. Following notification of application, the Muckleshoot Indian Tribe Fisheries Division provided several questions and comments regarding the application (*Exhibit 14*). The project was placed on-hold (*Exhibit 15*) and the applicant was able to respond to the on-hold letter and the initial comments and questions that were raised during the public comment period (*Exhibit 16*).
14. Staff also received and responded to agency comments from the U.S. Army Corps of Engineers (*Exhibits 17 and 18*).
15. No other agency comments were received.
16. Pursuant to the City of Renton's Environmental Ordinance and SEPA (RCW 43.21C, 1971 as amended), on (ERC meeting date) the Environmental Review Committee issued a Determination of Non-Significance - Mitigated (DNS-M) for Sediment Deposition Mitigation (*Exhibit 22*). The DNS-M included two (2) mitigation measures. A 14-day appeal period commenced on March 10, 2017 and ended on March 24, 2017. No appeals of the threshold determination have been filed as of the date of this report.
17. Based on an analysis of probable impacts from the proposal, the Environmental Review Committee (ERC) issued the following mitigation measures with the Determination of Non-Significance – Mitigated:
 1. The Sediment Deposition Mitigation project shall be required to comply with the environmental protection and enhancement measures found in the Lake Study prepared by Meridian Environmental, Inc. (dated December 23, 2016) or updated report submitted at a later date.
 2. The Sediment Deposition Mitigation project shall be required to comply with the conservation measures found in the Biological Assessment prepared by Meridian Environmental, Inc. (dated August 27, 2012).
18. Representatives from various city departments have reviewed the application materials to identify and address issues raised by the proposed development. These comments are contained in the official file, and the essence of the comments has been incorporated into the appropriate sections of this report and the Departmental Recommendation at the end of this report.
19. **Comprehensive Plan Compliance:** The site is designated Residential Medium Density (RMD) and Residential High Density (RHD) on the City's Comprehensive Plan Map. The purpose of the RMD designation is to allow a variety of single-family and multi-family development types, with continuity created through the application of design guidelines, the organization of roadways, sidewalks, public spaces, and the placement of community gathering places and civic amenities. RHD unit types are designed to incorporate features from both single-family and multi-family developments, support cost-efficient housing, facilitate infill development, have close access to transit service, and efficiently use

urban services and infrastructure. Lands designated RHD is where projects will be compatible with existing uses and where infrastructure is adequate to handle impacts from higher density uses.

The City adopts the goals and principles of the Shoreline Management Act as provided in RCW 90.58.020 and as particularly relevant to Renton.

The proposal is compliant with the following Comprehensive Plan Goals and Policies if all conditions of approval are met:

Compliance	Comprehensive Plan Analysis
✓	Goal L-P: Minimize adverse impacts to natural systems, and address impacts of past practice where feasible, through leadership, policy, regulation, and regional coordination.
✓	Goal L-U: Preserve, protect, and enhance the quality and functions of the City's sensitive areas including: lakes, rivers, major and minor creeks, intermittent stream courses and their floodplains, wetlands, ground water resources, wildlife habitats, and areas of seismic and geological hazards.
✓	Policy L-29: Minimize erosion and sedimentation in and near sensitive areas by requiring appropriate construction techniques and resource practices, such as low impact development.
✓	Policy L-32: Protect buffers along wetlands and surface waters to facilitate infiltration and maintain stable water temperatures, provide for biological diversity, reduce amount and velocity of run-off, and provide for wildlife habitat.
✓	Policy L-55: Protect public scenic views and public view corridors, including Renton's physical, visual and perceptual linkages to Lake Washington and the Cedar River.
✓	Policy L-56: Preserve natural landforms, vegetation, distinctive stands of trees, natural slopes, and scenic areas that contribute to the City's identity, preserve property values, and visually define the community and neighborhoods.
✓	Goals and Principals SM-3: Much of the shoreline jurisdiction and the uplands adjacent thereto are in private ownership. Unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest; therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline jurisdiction while recognizing and protecting private property rights consistent with the public interest.
✓	Goals and Principals SM-7: In the implementation of the Shoreline Master Program, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end, uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline.
✓	Goals and Principals SM-8: Alterations of the natural condition of the shoreline, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures; ports; shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines; industrial and commercial developments that are particularly dependent on their location on or use of the shoreline jurisdiction; and

	other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines.
✓	Goals and Principals SM-9: Permitted uses in the shorelines zone shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline jurisdiction and any interference with the public's use of the water.

20. **Zoning Development Standard Compliance:** The site is classified as Residential-6 (R-6) and Residential-10 (R-10) on the City's Zoning Map. Development in the R-6 zone is intended to be single family residential at moderate density. The Residential-10 Zone (R-10) is established for high-density residential development that will provide a mix of residential styles including small lot detached dwellings or attached dwellings such as townhouses and small-scale flats. The zone serves as a transition to higher density multi-family zones. The proposal is compliant with the following development standards if all conditions of approval are met:

Compliance	R-6 and R-10 Zone Develop Standards and Analysis
N/A	<p>Density: The density range permitted in the R-6 zone is a minimum 3.0 up to a maximum of 6.0 dwelling units per net acre. Net density is calculated after the deduction of sensitive areas, areas intended for public right-of-way, and private access easements.</p> <p>The density range permitted in the R-10 zone is a minimum 5.0 up to a maximum of 10.0 dwelling units per net acre. Net density is calculated after the deduction of sensitive areas, areas intended for public right-of-way, and private access easements.</p>
N/A	<p>Lot Dimensions: The minimum lot size permitted in the R-6 zone is 7,000 sq. ft. A minimum lot width of 60 feet is required (70 feet for corner lots) and a minimum lot depth of 90 feet is required.</p> <p>The minimum lot size permitted in the R-10 zone is 4,000 sq. ft. for detached dwellings. There is no minimum lot size for attached dwellings. A minimum lot width of 40 feet is required (50 feet for corner lots) and a minimum lot depth of 70 feet is required.</p>
✓	<p>Setbacks: The required setbacks in the R-6 zone are as follows: front yard is 25 feet, side yard is combined 15 feet with not less than 5 feet on either side, side yard along the street 25 feet, and the rear yard is 25 feet.</p> <p>The required setbacks in the R-10 zone are as follows: front yard is 20 feet except when all access is taken from an alley then 15 feet, side yard is 4 feet for detached units, for attached dwellings the side yard is 0 feet for attached sides and 4 feet for unattached sides, side yard along the street 15 feet, and the rear yard is 15 feet.</p> <p><i>Staff Comment: North of the former Barbee Mill facility (approximately 2,000 ft), is Quendall Terminals (QT) a former industrial property, currently vacant, consisting of approximately 22 acres of relatively flat land, with approximately 1,500 feet of Lake Washington shoreline zoned Commercial Office Residential (COR). As one of the possible options for handling the dredged sediment, the applicant is exploring the possibility of off-loading and stockpiling up to 4,000 cubic yards of clean sediments dredged from the Lake Houses at Eagle Cove Eagle Cove on the southeast corner of the QT site. The stockpiled material could be beneficially reused as capping material during future remedial efforts at QT. In order to stockpile material on the QT site, the applicant would be required to complete a Temporary Use Tier II and comply with</i></p>

	<i>minimum setback standards. Conditions of approval would be subject to minimum setback requirements of the zone. Specifically, the stockpiled material would be required to be set back over 100 feet from the shoreline, set back at least 25 feet from all other property boundaries, and demonstrate that no impacts would occur to critical areas and their buffers.</i>
N/A	<p>Building Standards: The R-6 zone has a maximum building coverage of 40% and a maximum impervious surface coverage of 55%. A Code Interpretation (CI-73) (<i>Exhibit 29</i>) was adopted regarding building height requirements. In the R-6 zone, a maximum building height of 2 stories with a wall plate height of 24 feet is permitted. Roofs with a pitch equal to or greater than 4:12 may project an additional six (6) vertical feet from the maximum wall plate height; common rooftop features, such as chimneys, may project an additional four (4) vertical feet from the roof surface. Non-exempt vertical projections (e.g., decks, railings, etc.) shall not extend above the maximum wall plate height unless the projection is stepped back one-and-a-half (1.5) horizontal feet from each façade for each one (1) vertical foot above the maximum wall plate height. Reserved.</p> <p>The R-10 zone has a maximum building coverage of 55% and a maximum impervious surface coverage of 70%. In the R-10 zone, a maximum building height of 2 stories with a wall plate height of 24 feet is permitted. Roofs with a pitch equal to or greater than 4:12 may project an additional six (6) vertical feet from the maximum wall plate height. If the height of wall plates on a building are less than the states maximum the roof may project higher to account for the difference, yet the combined height of both features shall not exceed the combined maximums. Common rooftop features, such as chimneys, may project an additional four (4) vertical feet from the roof surface. Non-exempt vertical projections (e.g., roofs pitched less than 4:12, decks, railings, etc.) may extend up to six (6) vertical feet above the maximum wall plate height if the projection is stepped back one-and-a-half (1.5) horizontal feet from each minimum building setback line for each one (1) vertical foot above the maximum wall plate height.</p> <p>Wall plates supporting a primary roof surface that has only one (1) sloping plane (e.g., shed roof) may exceed the stated maximum if the average of wall plate heights is equal or less than the maximum wall plate height allowed.</p>
N/A	<p>Landscaping: The City's landscape regulations (RMC 4-4-070) require a 10-foot landscape strip along all public street frontages. Additional minimum planting strip widths between the curb and sidewalk are established according to the street development standards of RMC 4-6-060. Street trees and, at a minimum, groundcover, are to be located in this area when present. Spacing standards shall be as stipulated by the Department of Community and Economic Development, provided there shall be a minimum of one street tree planted per address. Any additional undeveloped right-of-way areas shall be landscaped unless otherwise determined by the Administrator. Where there is insufficient right-of-way space or no public frontage, street trees are required in the front yard subject to approval of the Administrator. A minimum of two trees are to be located in the front yard prior to final inspection for the new Single Family Residence.</p>
N/A	<p>Tree Retention: The City's adopted Tree Retention and Land Clearing Regulations require the retention of 30 percent of trees in a residential development.</p> <p>Significant trees shall be retained in the following priority order:</p>

	<p>Priority One: Landmark trees; significant trees that form a continuous canopy; significant trees on slopes greater than twenty percent (20%); Significant trees adjacent to critical areas and their associated buffers; and Significant trees over sixty feet (60') in height or greater than eighteen inches (18") caliper.</p> <p>Priority Two: Healthy tree groupings whose associated undergrowth can be preserved; other significant native evergreen or deciduous trees; and Other significant non- native trees.</p> <p>Priority Three: Alders and cottonwoods shall be retained when all other trees have been evaluated for retention and are not able to be retained, unless the alders and/or cottonwoods are used as part of an approved enhancement project within a critical area or its buffer.</p> <p>A minimum tree density shall be maintained on each residentially zoned lot. For detached single family development, the minimum tree density is two (2) significant trees for every five thousand (5,000) square feet. The tree density may consist of existing trees, replacement trees, trees required pursuant to RMC 4-4-070F1, Street Frontage Landscaping Required, or a combination.</p>
N/A	<p>Parking: Parking regulations require that a minimum of two parking spaces be provided for each detached dwelling.</p> <p>Driveway cuts are required to be a minimum of 5 feet from property lines and new driveways may be a maximum of 16 feet in width at the property line. Maximum driveway slopes shall not exceed fifteen percent (15%); provided, that driveways exceeding eight percent (8%) shall provide slotted drains at the lower end with positive drainage discharge to restrict runoff from entering the garage/residence or crossing any public sidewalk.</p>
N/A	<p>Fences and Retaining Walls: In any residential district, the maximum height of any fence, hedge or retaining wall shall be seventy two inches (72"). Except in the front yard and side yard along a street setback where the fence shall not exceed forty eight inches (48") in height.</p> <p>There shall be a minimum three-foot (3') landscaped setback at the base of retaining walls abutting public rights-of-way.</p>

21. **Critical Areas:** Project sites, which contain critical areas, are required to comply with the Critical Areas Regulations (RMC 4-3-050). A Sediment Sampling and Analytical Results Report (revised date December 12, 2016; *Exhibit 9*) and a Biological Assessment prepared by Meridian Environmental, Inc. (dated August 27, 2012; *Exhibit 11*) with the submitted application materials. According to the submitted reports, no critical areas were identified on the project site. See Environmental Review Committee Report (*Exhibit 1*) for more information.
22. **Shoreline Substantial Development Permit:** The jurisdictional area is located and composed of aquatic lands in Lake Washington. Pursuant to Chapter 90.58 RCW, staff recommends granting a Shoreline Substantial Development Permit (SSDP). The granting of the SSDP would be pursuant to the Shoreline Management Action of 1971 and the following: The issuance of a license under the Shoreline Management Act of 1971 shall not release the applicant from compliance with federal, state, and other permit requirements. Construction permits shall not be issued until twenty-one (21) days after approval by the Washington State Department of Ecology or until any review proceedings initiated within this twenty-one (21) day review period have been completed.

The following table contains project elements intended to comply with the SMP regulations, standards and policies, as outlined in RMC 4-3-090:

SHORELINE MASTER PROGRAM CRITERA:	
A. COMPREHENSIVE PLAN COMPLIANCE AND CONSISTENCY, SHORELINE ELEMENT:	
<p>The site is located in the Shoreline Isolated High-Intensity Overlay District. The objective of the High Intensity Overlay – Isolated Lands overlay is to provide appropriate regulations for areas that are within shoreline jurisdiction but are with separate parcels effectively isolated from the water by intervening elements of the built environment, largely consisting of railroads and roads or intervening private parcels. In most cases, these areas function as parallel designations with other designations applied to the area adjacent to the water. The proposal is compliant with the following Shoreline policies if conditions of approval are met:</p>	
Compliant if conditions are met	<p>Policy SH-7: Existing and future activities on all Shorelines of the State regulated by the City of Renton should be designed to ensure no net loss of ecological functions.</p> <p><i>Staff Comment:</i> The applicant submitted a Sediment Sampling and Analytical Results Report (revised date December 12, 2016; Exhibit 9) along with Geotechnical Design Parameters for Anchor Piles prepared by Geotech Consultants, Inc. (dated January 10, 2010; Exhibit 10) and Geotechnical Observations during Pile Installation prepared by Geotech Consultants, Inc. (dated August 9, 2011; Exhibit 11). This full report provided results of sediment sampling and chemical testing of sediments (mostly fine to medium sand of recent depositional origin) in conjunction with proposed maintenance dredging. The Sediment Sampling and Analytical Results Report concludes that based on Analytical Testing Data and Screening Level comparisons, sediments proposed to be dredged at the project site were found to be suitable for open-water disposal.</p> <p>The project goal is to mitigate sediment deposition in 2017 and restore navigational access at Lake Houses at Eagle Cove. The applicant is proposing to dredge from deeper water to more shallow water and is proposing to leave an approximately 4 to 6 feet wide shelf from the northern property line of Lot A which would not be dredged. This area is being set aside for environmental enhancement/mitigation to provide a base to install root wads (Exhibit 8). Environmental Enhancement and mitigation measures for the proposed project, arise from existing state and federal permitting requirements to improve near-shore shallow water habitat work through the various shoreline permits, including USACE Permit Reference #NWS-2007-1019 (Exhibit 3), Lake Washington/May Creek Dredging DNS-M, LUA05-138, SP, ECF (Exhibit 4) and Barbee Maintenance Dredging Mitigation Shoreline Exemption, LUA16-000388, SME (Exhibit 5). A few of the mitigation measures included, but were not limited to, the following:</p> <ul style="list-style-type: none"> • Placement of 20 cubic yards of rounded river rock ("fish rock") along the rockery as well as several yards of fish rock adjacent to the boat ramp on Lot A to enhance the near shore shallow water habitat with more fish friendly materials; • Replacement of a 150-foot long solid wood float with a single 40-foot long grated float that maximizes light transmission to the shallow water habitat; • Replacement of three (3) failing creosote and rotted untreated wood piles securing the old float with two 10" galvanized steel pipe piles; and • Removal of wood and metal debris and rotting wood/leaf debris that depletes

	<p><i>dissolved oxygen in the water column.</i></p> <p><i>Shoreline enhancement for near shore planting was completed in previous years, prior to 2011. It can be advantageous to allow the project to conduct one schedule for all levels of permitting for the subject project (i.e. Local, State, and Federal). As such, staff recommends as a condition of approval that the applicant submit copies of any and all permits and associated documents issued from other State and/or Federal permitting agencies to the Current Planning Project Manager.</i></p> <p><i>The applicant submitted a Lake Study prepared by Meridian Environmental, Inc. (dated December 23, 2016) that included seven environmental protection and enhancement measures for the sediment deposition mitigation project. Staff recommended a SEPA mitigation measure that the applicant shall comply with the environmental protection and enhancement measures found in the Lake Study or updated report submitted at a later date. Therefore, if all conditions are complied with and mitigation is completed, the provided reports conclude that the project would not result in net loss of ecological functions and values.</i></p>
Compliant if conditions are met	<p>Policy SH-14: Shoreline use and development should be carried out in a manner that prevents or mitigates adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means ensuring no net loss of ecological functions and processes in all development and use. Permitted uses should be designed and conducted to minimize, in so far as practical, any resultant damage to the ecology and environment (RCW 90.58.020). Shoreline ecological functions that should be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; littoral drift; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/ maintenance.</p> <p><u>Staff Comment:</u> See comments above under Policy SH-7.</p>
✓	<p>Objective SH-E: Existing economic uses and activities on the shorelines should be recognized and economic uses or activities that are water-oriented should be encouraged and supported.</p>
✓	<p>Policy SH-32: Water-oriented recreational activities should be encouraged.</p>
Compliant if conditions are met	<p>Policy SH-36: Subject to policies providing for no net loss of ecological functions as well as local, state, and federal regulations, the water's depth may be changed to foster recreational aspects.</p> <p><u>Staff Comment:</u> The applicant stated that the purpose of the proposed dredging project is to dredge the least amount of depositional material possible to maintain navigational and recreational access, not to restore historical lakebed elevations in Lake Washington (Exhibit 6). While at the same time, demonstrate that the proposed modifications would result in no net loss, meaning the applicant must demonstrate that the modifications, combined with any mitigation efforts, would result in equivalent or better protection of shoreline functions. See also comments above under Policy SH-7.</p> <p>According to the Lake Study (Exhibit 13), the proposed project would involve amending the current Corps programmatic permit to allow dredging of up to an additional 4,000 cubic yards of sediment in an area located adjacent to the existing permitted dredge prism (Exhibit 6). Dredging to achieve the desired navigational depth profile would</p>

	<i>deepen the expanded dredge prism by approximately 10 feet (Exhibit 7). This expansion of the dredge prism would align it with the existing property and inner harbor lines, facilitate safe navigational access to the boathouse, and promote future recreational uses.</i>
B. DEVELOPMENT STANDARDS:	
The subject site is classified as Shoreline High Intensity on the City of Renton Shoreline Overlay Map. The following development standards are applicable to the proposal:	
1. No Net Loss Required	
Compliant if condition of approval is met	<p>Shoreline use and development shall be carried out in a manner that prevents or mitigates adverse impacts to ensure no net loss of ecological functions and processes in all development and use. Permitted uses are designed and conducted to minimize, in so far as practical, any resultant damage to the ecology and environment (RCW 90.58.020). Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.</p> <p><i>Staff Comment: According the Sediment Sampling and Analytical Results Report, the parcels that have received the most depositional infill sediments of fine to medium sands with some gravel (identified as well draining fill material) in recent years were 3979 Lake Washington Blvd N (Lot A) and a major portion of 3909 Lake Washington Blvd N (Lot B). Finer sediments were identified as unsuitable for shallow water fish habitat enhancement along the rockery to the immediate south. 3907 Lake Washington Blvd N (Lot C) and 3905 Lake Washington Blvd N (Lot D) were not impacted to an extent that dredging would be required in 2017. Likewise, it is anticipated that 4011 Wells Ave N (boathouse property) would also not require a lot of sediment removal in the near term. The applicant has indicated that the sediment deposition from the May Valley is a dynamic process and estimating future sediment loadings by parcel is not possible given the unknowns of weather, sediment deposition rates, deposition directions and locations, as well as estimating the effectiveness of proposed measures to mitigate deposition. The focus of the proposed dredging project is to mitigate sediment deposition and restore navigational access in the northern portion of the subject property. See also comments above under Policy SH-14.</i></p>
2. View Obstruction and Visual Quality	
N/A	View Corridors Required: Where commercial, industrial, multiple use, multi-family and/or multi-lot developments are proposed, primary structures shall provide for view corridors between buildings where views of the shoreline are available from public right-of-way or trails.
N/A	Minimum Setbacks for Commercial Development Adjacent to Residential or Park Uses: All new or expanded commercial development adjacent to residential use and public parks shall provide fifteen feet (15') setbacks from adjacent properties to attenuate proximity impacts such as noise, light and glare, and may address scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual

	screen.
N/A	Lighting Requirements: Display and other exterior lighting shall be designed and operated so as to prevent glare, to avoid illuminating nearby properties used for noncommercial purposes, and to prevent hazards for public traffic. Methods of controlling spillover light include, but are not limited to, limits on the height of light structure, limits on light levels of fixtures, light shields, and screening.
N/A	Reflected Lights to Be Limited: Building surfaces on or adjacent to the water shall employ materials that limit reflected light.
N/A	Integration and Screening of Mechanical Equipment: Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent feasible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.
N/A	Visual Prominence of Freestanding Structures to Be Minimized: Facilities not incorporated into buildings including fences, piers, poles, wires, lights, and other freestanding structures shall be designed to minimize visual prominence.
N/A	Maximum Stair and Walkway Width: Stairs and walkways located within shoreline vegetated buffers shall not exceed four feet (4') in width; provided that where ADA requirements apply, such facilities may be increased to six feet (6') in width. Stairways shall conform to the existing topography to the extent feasible.
3. Community Disturbances:	
Compliant if condition of approval is met	<p>Noise, odors, night lighting, water and land traffic, and other structures and activities shall be considered in the design plans and their impacts avoided or mitigated.</p> <p><i>Staff Comment: The applicant has indicated that operation of dredging equipment and upland heavy equipment (frontend loaders, etc.) would generate expected noise levels during construction of up to 80 to 90 decibels on a short-term basis only during construction. No long-term noise levels would be created. Construction noise would only occur during daylight hours. The short 10 day dredging period dictates the impacts would be temporary. No unusual noise impacts are proposed, which would require further levels of noise mitigation. To ensure that the public is notified of the proposed dredging activities in a timely manner, staff recommends as a condition of approval, that the applicant develop a public notification plan complete with temporary signage. The Plan shall be reviewed and approved by the Current Planning Project Manager prior to the commencement of the maintenance dredge work.</i></p>
4. Public Access	
Physical or visual access to shorelines shall be incorporated in all new development when the development would either generate a demand for one or more forms of such access, would impair existing legal access opportunities or rights, or is required to meet the specific policies and regulations of the Shoreline Master Program.	
✓	<p>May Creak (Reach A): If development occurs adjacent to the streamside, open space standards for vegetation conservation and public access shall be met consistent with standards of the Shoreline Master Program (SMP).</p> <p><i>Staff Comment: Enhanced public access is achieved within Lake Washington through</i></p>

	<i>dredging just south of the May Creek Delta due to soil and sediment accumulation for a period of 10 years. The project seeks to maintain and preserve navigational access to the boathouse, shared use dock, and recreational access to Lake Washington for four (4) single-family residences (Lake Houses at Eagle Cove).</i>
5. Building and Development Location – Shoreline Orientation Shoreline developments shall locate the water-dependent, water-related, and water-enjoyment portions of their developments along the shoreline. Development and use shall be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values.	
✓	Location of Development: Development and use shall be designed in a manner that directs land alteration to the least sensitive portions of the site. <i>Staff Comment: If up to 4,000 cubic yards of clean sediments are anticipated to be off-loaded to another site on Lake Washington, the applicant would be required to apply for a Temporary Use Tier II permit to stockpile material for a limit number of years. This amount of material is estimated to cover approximately 18,000 square feet. Stockpiled material should be located outside contaminated soils, critical areas, and sensitive portions of the site.</i>
✓	Minimization of Site Alteration: Development shall minimize site alteration in sites with substantial unaltered natural features by applying the following criteria: (a) Vehicle and pedestrian circulation systems shall be designed to limit clearing, grading, and alteration of topography and natural features. (b) Impervious surfacing for parking lot/space areas shall be limited through the use of under-building parking or permeable surfaces where feasible. (c) Utilities shall share roadway and driveway corridors and rights-of-way wherever feasible. (d) Development shall be located and designed to avoid the need for structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses, particularly water-dependent uses, where no alternative locations are available and no net loss of ecological functions will result. <i>Staff Comment: A portion of the Barbee Boathouse Navigational Dredge area was last dredged in 2011, concurrent with boathouse renovations under U. S. Army Corps of Engineer (USACE) Permit Reference #NWS-2007-1019 (Exhibits 3 and 17). The proposed profile is not anticipated to reach depths that would encounter sediments that are older than dredging work completed in 2011 or in previous dredging events. The applicant is proposing to not dredge to depths that are at or below 10 to 12 feet in elevation. In 2002, the depth at the western edge of the dredge footprint was approximately 15-20 feet deep, well below proposed dredge profile. In 2005, for example, the water depth at the Eagle Roost (also periodically referred to the Osprey Nest) was approximately 10 feet. Per the Sediment Sampling and Analytical Results (Exhibit 9), there has been over 10 feet of depositional infill from ongoing erosional events since 2005 with volumes of material deposited in Lake Washington at the May Creek Delta estimated at 25,000 cubic yards or higher. Staff recommends, as a</i>

	<i>condition of approval, that the applicant submit existing topography of the lake bed prior to each dredging event and final dredging contours and cross-sections of the lake bed after each dredging event to ensure that dredge depths are consistent with the proposed contours and hectoring dredging depths. The plan shall be reviewed and approved by the Current Planning Project Manager prior to construction permit approval.</i>
✓	<p>Location for Accessory Development: Accessory development or use that does not require a shoreline location shall be located outside of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments or unless otherwise allowed in a High Intensity designation. When sited within shoreline jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs and storage of materials shall be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses unless a location closer to the water is reasonably necessary.</p> <p><i>Staff Comment: Under a separate Temporary Tier II permit, clean dredged sediments would be stockpiled outside of the shoreline jurisdiction, in a location to be determined.</i></p>
✓	<p>Navigation and Recreation to Be Preserved: Shoreline uses shall not deprive other uses of reasonable access to navigable waters. Existing water-related recreation shall be preserved.</p>
6. Archaeological, Historical, and Cultural Resources:	
✓	<p>Detailed Cultural Assessments May Be Required: The City will work with tribal, State, Federal, and other local governments as appropriate to identify significant local historical, cultural, and archaeological sites in observance of applicable State and Federal laws protecting such information from general public disclosure. Detailed cultural assessments may be required in areas with undocumented resources based on the probability of the presence of cultural resources.</p> <p><i>Staff Comment: The project plans for dredging to be limited to dredging accumulated sediment that has been deposited over the past 15 years. Dredging depths are not anticipated to reach depths that could contain cultural or historical significance. Methods to assess the potential impact of cultural and historic resources on or near the project site are limited by site development, lowering of Lake Washington during the construction of the Bollard Locks, reconfiguration and relocation of May Creek (at one time May Creek entered Lake Washington at the QT site), development of shorelines in the City of Renton, and sediment deposition at the Shoreline of Lake Washington.</i></p>
✓	<p>Coordination Encouraged: Owners of property containing identified or probable historical, cultural, or archaeological sites are encouraged to coordinate well in advance of application for development to assure that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.</p>
✓	<p>Detailed Cultural Assessments Required: Upon receipt of application for a development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties including the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic</p>

	preservation groups.
✓	Work to Stop Upon Discovery: If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the Administrator of the Department of Community and Economic Development or designee. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The Administrator of the Department of Community and Economic Development or designee shall provide for a site investigation by a qualified professional and may provide for avoidance, or conservation of the resources, in coordination with appropriate agencies.
✓	Access for Educational Purposes Encouraged: Land owners are encouraged to provide access to qualified professionals and the general public if appropriate for the purpose of public education related to a cultural resource identified on a property.
7. Standards for Density, Setbacks, and Height	
✓	<p>Setbacks and buffers from the OHWM: Pursuant to RMC 4-3-090E.10 Transportation: New and expanded transportation facilities shall be designed to achieve no net loss of ecological functions within the shoreline. To the maximum extent feasible the following standards shall be applied to all transportation projects and facilities:</p> <ul style="list-style-type: none"> i. Facilities shall be located outside of the shoreline jurisdiction and as far from the land/water interface as possible. Expansion of existing transportation facilities shall include analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or set back further from the land/water interface. ii. Facilities shall be located and designed to avoid significant natural, historical, archaeological, or cultural sites, and mitigate unavoidable impacts. iii. Facilities shall be designed and maintained to prevent soil erosion, to permit natural movement of groundwater, and not adversely affect water quality or aquatic plants and animals over the life of the facility. iv. All debris and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion into any water body and shall be specified in submittal materials. v. Facilities shall avoid the need for shoreline protection. vi. Facilities shall allow passage of flood waters, fish passage, and wildlife movement by using bridges with the longest span feasible or when bridges are not feasible, culverts and other features that provide for these functions. vii. Facilities shall be designed to accommodate as many compatible uses as feasible, including, but not limited to: utilities, viewpoint, public access, or trails. <p><i>Staff Comment: The potential stockpile of clean sediment would be required to be located away from the shoreline and as far from the water interface as possible.</i></p>
N/A	Vegetation Conservation Buffer: Water bodies defined as shorelines shall have a minimum one hundred foot (100') vegetation management buffer measured from the OHWM of the regulated shoreline of the State. This developed primarily single family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through

	providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
N/A	<p>Building Height – Maximum:</p> <p>In water – 35 feet</p> <p>Within 100 feet of OHWM – 35 feet</p> <p>More than 100 feet from the OHWM – 35 feet</p> <p>Accessory Building – 15 feet</p>
N/A	<p>Impervious area within the Buffer/Setback: 5%</p> <p>In addition, for projects that provide public access and the opportunity for substantial numbers of people to enjoy the shoreline, up to twenty five percent (25%) impervious surface is allowed; provided, that no more than five percent (5%) impervious surface is allowed closer than twenty five feet (25') from OHWM.</p> <p><u>Staff Comment:</u> See comments above under vegetation conservation buffer.</p>
N/A	<p>Impervious Area within 100 ft. of OHWM: 50%</p> <p><u>Staff Comment:</u> See comments above under vegetation conservation buffer.</p>
✓	<p>Dredging Limited: Dredging is permitted only in cases where the proposal, including any necessary mitigation, will result in no net loss of shoreline ecological functions and is limited to the following:</p> <ul style="list-style-type: none"> i. Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width. ii. For flood control purposes, when part of a publicly adopted flood control plan. iii. For restoration or enhancement of shoreline ecological functions benefiting water quality and/or fish and wildlife habitat and approved by applicable local, State and Federal agencies. iv. For development of approved water-dependent uses provided there are no feasible alternatives. v. Dredging may be permitted where necessary for the development and maintenance of public shoreline parks and of private shorelines to which the public is provided access. Dredging may be permitted where additional public access is provided. vi. Maintenance dredging for access to existing legally established boat moorage slips including public and commercial moorage and moorage accessory to single family residences; provided, that dredging shall be limited to maintaining the previously dredged and/or existing authorized location, depth, and width. Dredging shall be disallowed to maintain depths of existing private moorage where it results in a net loss of ecological functions. vii. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:

	<p>(a) Impacts to fish and wildlife habitat are avoided to the maximum extent possible.</p> <p>(b) The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.</p> <p>(c) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.</p> <p>viii. Dredging is performed pursuant to a remedial action plan approved under authority of the Model Toxics Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or pursuant to other authorization by the Department of Ecology, U.S. Army Corps of Engineers, or other agency with jurisdiction, after review of the proposed materials for compliance with the policies and standards of the Shoreline Master Program.</p> <p>ix. Dredging is necessary to correct problems of material distribution and water quality, when such problems are adversely affecting aquatic life or recreational areas.</p>
8. Use Regulations:	
a. Dredging:	
Compliant if condition of approval is met	<p>General: Dredging and dredge material disposal, when permitted, shall be done in a manner which avoids or minimizes significant ecological impacts. Impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.</p> <p><u>Staff Comment:</u> The applicant is seeking to mitigate the impacts of uncontrolled sediment deposition in Lake Washington, arising from storm water surges in the May Creek Drainage Basin. As the May Creek Delta expands, access to the shorelines is becoming more and more limited. According to the applicant, access to the boathouse is severely limited. As sediment deposition increase in the project area, use of the boathouse, boat ramp and shared use dock would be impacted along with other recreational uses. Such as the use of a kayak float or other water recreational uses enjoyed on Lake Washington. As such, the limited dredging project may be permitted in a manner which avoids or minimizes significant ecological impacts and assures no net loss of shorelines and ecological functions. See comments above under Policy SH-7</p>
b. Dredging Limited:	
Compliant if condition of approval is met	<p>i. Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.</p> <p><u>Staff Comment:</u> The comments above under Dredging, General.</p>
N/A	ii. For flood control purposes, when part of a publicly adopted flood control plan.
N/A	iii. For restoration or enhancement of shoreline ecological functions benefiting water quality and/or fish and wildlife habitat and approved by applicable local, State and Federal agencies.
✓	iv. For development of approved water-dependent uses provided there are no feasible alternatives.

N/A	v. Dredging may be permitted where necessary for the development and maintenance of public shoreline parks and of private shorelines to which the public is provided access. Dredging may be permitted where additional public access is provided.
✓	vi. Maintenance dredging for access to existing legally established boat moorage slips including public and commercial moorage and moorage accessory to single family residences; provided, that dredging shall be limited to maintaining the previously dredged and/or existing authorized location, depth, and width. Dredging shall be disallowed to maintain depths of existing private moorage where it results in a net loss of ecological functions.
N/A	vii. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and: (a) Impacts to fish and wildlife habitat are avoided to the maximum extent possible. (b) The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration. (c) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.
N/A	viii. Dredging is performed pursuant to a remedial action plan approved under authority of the Model Toxics Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or pursuant to other authorization by the Department of Ecology, U.S. Army Corps of Engineers, or other agency with jurisdiction, after review of the proposed materials for compliance with the policies and standards of the Shoreline Master Program.
✓	ix. Dredging is necessary to correct problems of material distribution and water quality, when such problems are adversely affecting aquatic life or recreational areas.
c. Review Criteria:	
N/A	i. New development, including the development of associate piers and docks, should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. Where alternatives such as the utilization of shallow access to mooring buoys is feasible, such measures shall be used.
✓	ii. All proposed dredging operations shall be designed by an appropriate State-licensed professional engineer. A stamped engineering report and an assessment of potential impacts on ecological functions shall be prepared by qualified consultants and shall be submitted to the Renton Planning Division as part of the application for a shoreline permit. <i>Staff Comment: Project is compliant with the above standard, see attached reports and drawings (Exhibits 6-13).</i>
Compliant if conditions are met	iii. The responsibility rests solely with the applicant to demonstrate the necessity of the proposed dredging operation. <i>Staff Comment: According to the Biological Assessment, dredging of the May Creek Delta and boathouse area has occurred for over 50 years on a 3- to 4-year cycle (Exhibit 12). Most recently, the area was dredged in 1994, 1997, 2001/2002 and 2011 due in part to high sediment loading, lack of large woody debris (LWD), loss of habitat complexity, forest removal, presence of rock quarries, and the expansion of road networks in the lower four (4) miles of May Creek watershed. The proposed</i>

	<p><i>maintenance dredging project is required to maintain and preserve navigational access to the boathouse, shared use dock, and recreational access. The applicant anticipates maintaining the same 3-5 year cycle with 2,500 to 4,000 cubic yards of sediment required to be removed from Lake Washington in order to preserve navigation access.</i></p> <p><i>The 2016 Lake Study included seven environmental protection and enhancement measures for the sediment deposition mitigation project. Staff recommends a SEPA mitigation measure that the applicant shall comply with the environmental protection and enhancement measures found in the Lake Study prepared by Meridian Environmental, Inc. (dated December 23, 2016) or updated report submitted at a later date.</i></p>
Compliant if conditions are met	<p>iv. The responsibility rests solely with the applicant to demonstrate that:</p> <p>(a) There will be no net loss of ecological functions including but not limited to adverse effect on aquatic species including fish migration.</p> <p><i>Staff Comment: The project site is located and composed of aquatic lands in Lake Washington. The proposed dredging near May Creek in Lake Washington (no dredging would take place in May Creek). The Lake dredge would stir-up some sediment in the water but the sediments should settle out of the water fairly quickly after the dredging has been completed. According to the applicant, dredge work would require approximately 80 hours over a 10 day period.</i></p> <p><i>The applicant is proposing minimization techniques, such as lining the perimeter of the barge with hay bales wrapped with filter fabric to prevent dredge material from entering Lake Washington, where it could cause turbidity. Dredging would only be conducted during National Marine Fisheries Service (NMFS) approved July 16-September 15 work window by avoiding work during the rainy season. The project would avoid dredging along shoreline slopes and shallow water habitat along the shoreline north of the dredging zone to protect near-shore habitat that may be used by rearing Chinook salmon and enhance the north end of the project boundary through the placement of Large Woody Debris (LWD) (approximately five to ten rootwads). According to the applicant, the LWD would serve to improve aquatic habitat, help stabilize the shoreline, and facilitate sediment deposition to reduce the need for future maintenance dredging.</i></p> <p><i>The applicant submitted a Lake Study prepared by Meridian Environmental, Inc. (dated December 23, 2016; Exhibit 13) which concludes that the proposed project would unlikely have an adverse effect on adult salmon and steelhead spawning habitat, as no dredging would take place in May Creek. The proposed project may affect juvenile salmon and steelhead by causing physical changes to their early rearing habitat in Lake Washington. Limiting the in-water work to the NMFS work window would minimize the potential to adversely affect juvenile Chinook, coho and steelhead, as the vast majority of juveniles in Lake Washington are expected to migrate prior to July.</i></p> <p><i>The dredging work proposed by the applicant is also subject to the U. S. Army Corps of Engineer (USACE) Permit Reference #NWS-2007-1019 conditions of approval (Exhibit 3) and the Barbee Maintenance Dredging Mitigation Shoreline Exemption permit condition of approval (Exhibit 5).</i></p> <p><i>The applicant submitted a Biological Assessment prepared by Meridian Environmental, Inc. (dated August 27, 2012; Exhibit 12) which included nine conservation measures that the applicant would implement to avoid or minimize take of listed species and avoid or reduce impact to their habitat. Staff recommended, as a SEPA mitigation</i></p>

	<p><i>measure, that dredge project be required to comply with the conservation measures found in the Biological Assessment prepared by Meridian Environmental, Inc. (dated August 27, 2012). See also Environmental Review Committee Report (Exhibit 1) and decision (Exhibit 22) for more information. Therefore, the project is not anticipated to result in permanent impacts to fish migration.</i></p> <p>(b) There will be no adverse impact on recreational areas or public recreation enjoyment of the water.</p> <p><u><i>Staff Comment:</i></u> <i>The proposed dredging project would not change public access or displace any existing recreational uses. The proposal would not significantly impact recreation opportunities, in part because any effects would be temporary; therefore, no measures to reduce or control impacts on recreation are proposed. See also comments above under Policy SH-7.</i></p>
✓	<p>v. Adjacent Bank Protection:</p> <p>(a) When dredging bottom material of a body of water, the banks shall not be disturbed unless absolutely necessary. The responsibility rests with the applicant to propose and carry out practices to protect the banks.</p> <p><u><i>Staff Comment:</i></u> <i>The applicant is proposing to dredge from deeper water to more shallow water using barge mounted equipment. At no time would dredging occur from the land.</i></p> <p>(b) If it is absolutely necessary to disturb the adjacent banks for access to the dredging area, the responsibility rests with the applicant to propose and carry out a method of restoration of the disturbed area to a condition minimizing erosion and siltation.</p> <p><u><i>Staff Comment:</i></u> <i>See staff comment above.</i></p>
✓	<p>vi. Avoidance of Adverse Effects: The responsibility rests with the applicant to demonstrate the proposed dredging will avoid conditions that may adversely affect adjacent properties including:</p> <p>(a) Creating a nuisance to the public or nearby activity.</p> <p><u><i>Staff Comment:</i></u> <i>Overall, the dredge project would be temporary in nature, with construction being conducted during National Marine Fisheries Service (NMFS) approved July 16-September 15 fish window when fish passage facilities are not run. The applicant has indicated that work would occur during daylight hours; generally from 7 am to 7 pm. All construction must adhere to working hours as specified in Renton Municipal Code (RMC) and if haul routes are required they would be restricted to arterial streets. Due to the limited duration of the dredging events, the construction noises are not anticipated to adversely affect adjacent properties.</i></p> <p>(b) Damaging property in or near the area.</p> <p><u><i>Staff Comment:</i></u> <i>The project has been designed by a professional engineer and it is not anticipated that the dredging would result in any damage to property in or near the area.</i></p> <p>(c) Causing substantial adverse effect to plant, animal, aquatic or human life in or near the area.</p> <p><u><i>Staff Comment:</i></u> <i>See responses in Review Criteria: iv.a and vi.a.</i></p>

	<p>(d) Endangering public safety in or near the area.</p> <p><u>Staff Comment:</u> <i>The project is not anticipated to endanger public safety in or near the area.</i></p>
✓	<p>vii. The applicant shall demonstrate control of contamination and pollution to water, air, and ground through specific operation and mitigation plans.</p> <p><u>Staff Comment:</u> <i>The Sediment Report (Exhibit 9) found that the detected chemical contamination in the permitted dredge area to be very limited or below Dredge Material Management Program (DMMP) fresh water and marine screening levels. The results of the report indicated some motor oil range petroleum hydrocarbon detected at 39 mg/kg (dry basis), diesel range petroleum product detected in the composite sample at 8.3 mg/kg (dry basis), and traces of Polynuclear Aromatic Hydrocarbons (PAHs). For example, benzo(a)pyrene was detected at 24 ug/Kg (dry basis). The Sediment Sampling and Analytical Results Report concludes that based on Analytical Testing Data and Screening Level comparisons, sediments proposed to be dredged at the project site were found to be suitable for open-water disposal.</i></p> <p><i>The applicant has indicated that equipment used in the dredging project would be tuned and well maintained prior to construction activity. If at any time the equipment is not operating properly and needs maintenance, equipment would be taken out of service until repairs are completed and emissions are within acceptable operating criteria. Most contractors have switched from petroleum based hydraulic fluid to vegetable based materials, particularly peanut oil.</i></p>
Compliant if conditions are met	<p>viii. Disposal of Dredge Material: The applicant shall demonstrate that the disposal of dredged material will not result in net loss of ecological functions or adverse impacts to properties adjacent to the disposal site.</p> <p>(a) The applicant shall provide plans for the location and method of disposing of all dredged material.</p> <p><u>Staff Comment:</u> <i>The applicant has specified that the disposal of the excavated sediment would be transported one of three ways: hauled off-site, off-loaded at a site on Lake Washington, or open water/ocean disposal. If either of the first two ways are selected for handling sediments, a detailed Traffic Control Plan would need to be submitted and approved by the City of Renton prior to the start of construction. It would be the applicant's responsibility to identify a suitable disposal location to ensure that the disposal site is permitted and compliant with any necessary regulations. Furthermore, if hauling off-site resulted in any shoreline bank impacts mitigation would require for restoration of the shoreline bank. As such, staff recommends as a condition of approval that the applicant submit a restoration plan if off-site hauling results in any shoreline bank impacts. The plan shall be reviewed and approved by the Current Planning Project Manager prior to construction permit approval.</i></p> <p>(b) Dredged material shall not be deposited in a lake, stream, or marine water except if approved as habitat enhancement or other beneficial environmental mitigation as part of ecological restoration, a contamination remediation project approved by appropriate State and/or Federal agencies, or is approved in accordance with the Puget Sound Dredged Disposal Analysis evaluation procedures for managing in-water-disposal of dredged material by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State</p>

	<p>Department of Fish and Wildlife hydraulic project approval.</p> <p><u>Staff Comment:</u> The applicant has indicated that ocean disposal is an option for receiving clean sediments from the project site at the Puget Sound Open Disposal site. Additional sediment sampling may be necessary to meet USACE requirements for ocean disposal.</p> <p>(c) In no instance shall dredged material be stockpiled in a shoreland area that would result in the clearing of native vegetation. Temporary stockpiling of dredged material is limited to one hundred eighty (180) days.</p> <p><u>Staff Comment:</u> The applicant has identified Quendall Terminals (QT) as a potential receiving site. QT is 21.46 acres superfund site that is zoned Commercial/Office/Residential (COR) and located within the Urban Shoreline designation under review to construct a mixed use development. The temporary stockpiling of sediment would not result in the clearing of native vegetation above what has already been considered as part of the Quendall Terminals Final Environment Impact Statement (LUA09-151). If this site is utilized approval shall be obtained from the Environmental Protection Agency (EPA) as it is designated a Superfund Site and the location shall not be located within 100 feet of the shoreline or within any existing wetland or buffer areas identified on the site.</p> <p>(d) If the dredged material is contaminant or pollutant in nature, the applicant shall propose and carry out a method of disposal that complies with all regulatory requirements.</p> <p><u>Staff Comment:</u> See comments above under Review Criteria: viii.</p> <p>(e) Permanent land disposal shall demonstrate that:</p> <ol style="list-style-type: none"> (1) Shoreline ecological functions will be preserved, including protection of surface water and groundwater. (2) Erosion, sedimentation, flood waters or runoff will not increase adverse impacts to shoreline ecological functions or property. (3) Sites will be adequately screened from view of local residents or passersby on public rights-of-way. (4) The site is not located within a channel migration zone. <p><u>Staff Comment:</u> See responses above under Review Criteria: iii and viii.</p>
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23. **Consistency with Special Grade and Fill Permit:** In order to grant a special permit, the Hearing Examiner shall make a determination that the activity would not be unreasonably detrimental to the surrounding area. As outlined in RMC 4-9-080F.4.a, The Hearing Examiner shall consider, but not be limited to, the following:

Compliance	Special Grade and Fill Permit Analysis
✓	<p>a) Size and Location of the Activity</p> <p><u>Staff Comment:</u> The applicant is seeking approval of a Special Fill and Grade Permit to allow the dredging of sediment near the May Creek Delta. The project area includes five waterfront lots in the Eagle Cove area of Lake Washington at 3905, 3907, 3909 and 3979 Lake Washington Blvd N, Renton, WA 98056 and 4011 Wells Ave N, Renton, WA 98056. Based on current bathymetry, the applicant is proposing to dredge approximately 2,500 to 4,000 cubic yards of sediment during each dredging event</p>

	<i>(Exhibit 7). Sediment would be removed from Lake Washington using low impact machinery operated from a barge. The applicant is proposing minimization techniques, such as lining the perimeter of the barge with hay bales wrapped with filter fabric to prevent dredge material from entering Lake Washington, where it could cause turbidity. For disposal of dredge material information, see Shoreline Substantial Development Permit FOF 22.</i>
✓	<p>a) Size and Location of the Activity</p> <p><u>Staff Comment:</u> <i>The applicant is seeking approval of a Special Fill and Grade Permit to allow the dredging of sediment near the May Creek Delta. The project area includes five waterfront lots in the Eagle Cove area of Lake Washington at 3905, 3907, 3909 and 3979 Lake Washington Blvd N, Renton, WA 98056 and 4011 Wells Ave N, Renton, WA 98056. Based on current bathymetry, the applicant is proposing to dredge approximately 2,500 to 4,000 cubic yards of sediment during each dredging event (Exhibit 7). Sediment would be removed from Lake Washington using low impact machinery operated from a barge. The applicant is proposing minimization techniques, such as lining the perimeter of the barge with hay bales wrapped with filter fabric to prevent dredge material from entering Lake Washington, where it could cause turbidity. For disposal of dredge material information, see Shoreline Substantial Development Permit FOF 22.</i></p>
✓	<p>b) Traffic volume and patterns</p> <p><u>Staff Comment:</u> <i>The proposed project would not generate any additional vehicular traffic volumes.</i></p>
✓	<p>c) Screening, landscaping, fencing and setbacks</p> <p><u>Staff Comment:</u> <i>No screening, landscaping, fencing or setbacks are required in the City of Renton Development Standards for the dredging of May Creek. There are no plants within the proposed dredge area (not counting aquatic plants, principally milfoil) that would be disturbed by the work. The presence of aquatic plants is discussed in Biological Assessments prepared by Meridian Environmental (particularly in 2010 and 2012; Exhibit 12). According to the report, Milfoil has limited native aquatic plant development for the most part.</i></p> <p><i>No upland vegetation would be removed or altered at the project site at the Lake Houses. All work would occur in-water and uplands would not be impacted except for potentially stockpiling material for a limit number of years.</i></p>
✓	<p>d) Unsightliness, noise and dust</p> <p><u>Staff Comment:</u> <i>See Community Disturbances under FOF 22, Shoreline Substantial Development Permit.</i></p>
✓	<p>e) Surface drainage</p> <p><u>Staff Comment:</u> <i>There would be no unpermitted runoff, including stormwater at the project dredge area. The proposal would not alter or otherwise affect drainage patterns in the vicinity of the site.</i></p>
Compliant if conditions are met	<p>f) The length of time the application of an existing operation has to comply with nonsafety provisions of this Title.</p> <p><u>Staff Comment:</u> <i>Staff recommends that the Hearing Examiner grant a SSDP and Special Fill and Grade Permit under the following condition: The Shoreline Substantial</i></p>

	<i>Development Permit and Special Fill and Grade Permit shall remain effective for a permit not to exceed 10 years from the date of approval or until such time as the City of Renton adopts new shoreline regulations.</i>
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24. **Availability and Impact on Public Services:** The project would have little to no impacts on public services. A traffic control plan would be required to be submitted and approved prior to the start of construction. Construction hours would be in accordance with City Standards or as established in the approved traffic control plan.

I. CONCLUSIONS:

1. The subject site is located in the Residential Medium Density (RMD) and Residential High Density (RHD) Comprehensive Plan designation and complies with the goals and policies established with this designation, see FOF 5 and FOF 19.
2. The subject site is located in the Residential-6 (R-6) and Residential-10 (R-10) zoning designation and complies with the zoning and development standards established with this designation provided the applicant complies with City Code and conditions of approval, see FOF 6 and FOF 20.
3. The proposed permits comply with the Critical Areas Regulations provided the applicant complies with City Code and conditions of approval, see FOF 21.
4. The proposed permits comply with the Shoreline Master Program Regulations provided the applicant complies with City Code and conditions of approval, see FOF 22.
5. The proposed permits comply with the Special Grade and Fill Permit Criteria provided the applicant complies with City Code and conditions of approval, see FOF 23.
6. There are adequate public services and facilities to accommodate the proposed plat, see FOF 24.
7. The purpose of the proposed 10-year dredging permit is to maintain navigational access to the boathouse, shared use dock, and recreational access to Lake Washington for four (4) single-family residences (Lake Houses at Eagle Cove).
8. Special Permits are transferrable to other persons, firms and corporations, and the special permit shall continue with the activity on the site unless a new special permit is granted.
9. This Permit is subject to the Shoreline Management Action of 1971 and pursuant to the following:
 - a. The issuance of a license under the Shoreline Management Act of 1971 shall not release the applicant from compliance with federal, state, and other permit requirements.
 - b. This permit may be rescinded pursuant to Section 14(7) of the Shoreline Management Act of 1971 in the event the permittee fails to comply with any condition(s) hereof.
 - c. Construction permits shall not be issued until twenty-one (21) days after approval by the Washington State Department of Ecology or until any review proceedings initiated within this twenty-one (21) day review period have been completed.

J. RECOMMENDATION:

Staff recommends approval of Sediment Deposition Mitigation, File No. LUA16-000977, as depicted in Exhibit 7, subject to the following conditions:

1. The applicant shall comply with the mitigation measures issued as part of the Determination of Non-Significance Mitigated, dated March 6, 2017.

2. To ensure that the public is notified of the proposed dredging activities in a timely manner, the applicant shall develop a public notification plan complete with temporary signage. The Plan shall be reviewed and approved by the Current Planning Project Manager prior to the commencement of the maintenance dredge work.
3. The applicant shall submit existing topography of the lake bed prior to each dredging event and final dredging contours and cross-sections of the lake bed after each dredging event. The plan shall be reviewed and approved by the Current Planning Project Manager prior to construction permit approval.
4. The applicant shall submit copies of any and all permits and associated documents issued from other State and/or Federal permitting agencies to the Current Planning Project Manager.
5. The applicant shall submit a restoration plan if off-site hauling results in any shoreline bank impacts. The plan shall be reviewed and approved by the Current Planning Project Manager prior to construction permit approval.
6. The Shoreline Substantial Development Permit and Special Fill and Grade Permit shall remain effective for a permit not to exceed 10 years from the date of approval or until such time as the City of Renton adopts new shoreline regulations.

EXHIBITS



CITY OF RENTON

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
REPORT TO THE HEARING EXAMINER
EXHIBITS

Project Name: Sediment Deposition Mitigation		Project Number: LUA16-000977, ECF, SM	
Date of Meeting April 18, 2017	Staff Contact Clark H. Close Senior Planner	Project Contact/Applicant Michael Lloyd, Lloyd & Associates, Inc., 255 Camaloch Dr, Camano Island, WA, 98282	Project Location 3905, 3907, 3909 and 3979 Lake Washington Blvd N, Renton, WA 98056 and 4011 Wells Ave N, Renton, WA 98056

Exhibits:

- Exhibit 1 ERC Report
- Exhibit 2 Neighborhood Detail Map
- Exhibit 3 U. S. Army Corps of Engineer (USACE) Permit NWS-2007-1019
- Exhibit 4 Lake Washington/May Creek Dredging DNS-M, LUA05-138, SP, ECF
- Exhibit 5 Barbee Maintenance Dredging Mitigation Shoreline Exemption, LUA16-000388, SME
- Exhibit 6 Existing Lakebed Contours (surveyed date July 2016)
- Exhibit 7 Proposed Dredging Contours and Cross Sections (A1-A2 and B1-B-2)
- Exhibit 8 Mitigation – Large Wood Debris
- Exhibit 9 Sediment Sampling and Analytical Results Report (revised date December 12, 2016)
- Exhibit 10 Geotechnical Design Parameters for Anchor Piles prepared by Geotech Consultants, Inc. (dated January 10, 2010)
- Exhibit 11 Geotechnical Observations during Pile Installation prepared by Geotech Consultants, Inc. (dated August 9, 2011)
- Exhibit 12 Biological Assessment prepared by Meridian Environmental, Inc. (dated August 27, 2012)
- Exhibit 13 Lake Study prepared by Meridian Environmental, Inc. (dated December 23, 2016)
- Exhibit 14 Muckleshoot Indian Tribe Fisheries Division Comments: Walter
- Exhibit 15 Staff Response to Muckleshoot Indian Tribe Fisheries Division
- Exhibit 16 Applicant's Response to On-Hold Letter
- Exhibit 17 U.S. Army Corps of Engineers Comments: White
- Exhibit 18 U.S. Army Corps of Engineers Response Letter
- Exhibit 19 Construction Mitigation Description
- Exhibit 20 Advisory Notes to Applicant
- Exhibit 21 Staff Report to the Hearing Examiner
- Exhibit 22 Environmental "SEPA" Determination, ERC Mitigation Measures and Advisory Notes

Denis Law Mayor



March 10, 2017

Community & Economic Development C. E. "Chip" Vincent, Administrator

Washington State
Department of Ecology
Environmental Review Section
PO Box 47703
Olympia, WA 98504-7703

Subject: ENVIRONMENTAL (SEPA) THRESHOLD DETERMINATION

Transmitted herewith is a copy of the Environmental Determination for the following project reviewed by the Environmental Review Committee (ERC) on March 6, 2017:

SEPA DETERMINATION: Determination of Nonsignificance-Mitigated (DNS-M)
PROJECT NAME: Sediment Deposition Mitigation
PROJECT NUMBER: LUA17-000977, ECF, SM

Appeals of the environmental determination must be filed in writing on or before 5:00 p.m. on March 24, 2017, together with the required fee with: Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057. Appeals to the Examiner are governed by RMC 4-8-110 and information regarding the appeal process may be obtained from the City Clerk's Office, (425) 430-6510.

Please refer to the enclosed Notice of Environmental Determination for complete details. If you have questions, please call me at (425) 430-7289.

For the Environmental Review Committee,

A handwritten signature in blue ink that reads "Clark H. Close".

Clark Close
Senior Planner

Enclosure

cc: King County Wastewater Treatment Division
Boyd Powers, Department of Natural Resources
Karen Walter, Fisheries, Muckleshoot Indian Tribe
Melissa Calvert, Muckleshoot Cultural Resources Program
Gretchen Kaehler, Office of Archaeology & Historic Preservation

Ramin Pazooki, WSDOT, NW Region
Larry Fisher, WDFW
Duwamish Tribal Office
US Army Corp. of Engineers

**ENVIRONMENTAL (SEPA) DETERMINATION OF NON-SIGNIFICANCE – MITIGATED
(DNS-M)**

PROJECT NUMBER: LUA16-000977

APPLICANT: Michael Lloyd, Lloyd & Associates, Inc.
255 Camaloch Dr, Camano Island, WA 98282

PROJECT NAME: Sediment Deposition Mitigation

PROJECT DESCRIPTION: The applicant is requesting approval of a Shoreline Substantial Development Permit, a Hearing Examiner Special Fill and Grade Permit and Environmental (SEPA) Review to continue periodic dredging of Lake Washington near the May Creek Delta because of soil and sediment accumulation for a period of 10 years. In recent history, the area was dredged in 1994, 1997, 2001/2002, and 2011. The proposed dredging project is estimated to be required every 3-5 years to maintain and preserve navigational access to the boathouse, shared use dock, and recreational access to Lake Washington for four (4) single-family residences (Lake Houses at Eagle Cove). Approximately 2,500 to 4,000 CY would be dredged during each dredging event. The proposed project site is located from 3905 Lake Washington Blvd N to the boat house just north of 3979 Lake Washington Blvd N (APN's 3342700011, -0009, -0007, -0005, and 0518501150) in Renton, WA. The parcels are zoned Residential-6 (R-6) and Residential-10 (R-10). The dredging and mitigation work is anticipated to be conducted in two phases, beginning in 2017.

PROJECT LOCATION: 3905, 3907, 3909 and 3979 Lake Washington Blvd N, Renton, WA 98056 and 4011 Wells Ave N, Renton, WA 98056

LEAD AGENCY: City of Renton
Environmental Review Committee
Department of Community & Economic Development

The City of Renton Environmental Review Committee has determined that it does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). Conditions were imposed as mitigation measures by the Environmental Review Committee under their authority of Section 4-9-070D Renton Municipal Code. These conditions are necessary to mitigate environmental impacts identified during the environmental review process. Because other agencies of jurisdiction may be involved, the lead agency will not act on this proposal for fourteen (14) days.

Appeals of the environmental determination must be filed in writing on or before 5:00 p.m. on March 24, 2017. Appeals must be filed in writing together with the required fee with: Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057. Appeals to the Examiner are governed by RMC 4-8-110 and more information may be obtained from the Renton City Clerk's Office, (425) 430-6510.


PUBLICATION DATE: MARCH 7, 2017

DATE OF DECISION: MARCH 6, 2017

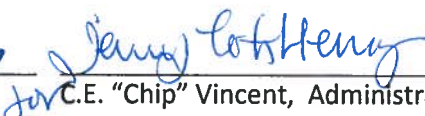
SIGNATURES:



Gregg Zimmerman, Administrator
Public Works Department


Rick M. Marshall, Administrator
Fire & Emergency Services


Date


Kelly Beymer, Administrator
Community Services Department


C.E. "Chip" Vincent, Administrator
Department of Community &
Economic Development


Date

**DETERMINATION OF NONSIGNIFICANCE-MITIGATION
MEASURES (DNS-M)**

MITIGATION MEASURES AND ADVISORY NOTES

PROJECT NUMBER: LUA16-000977, ECF, SM

APPLICANT/CONTACT: Michael Lloyd, Lloyd & Associates, Inc.

PROJECT NAME: Sediment Deposition Mitigation

PROJECT DESCRIPTION: The applicant is requesting approval of a Shoreline Substantial Development Permit, a Hearing Examiner Special Fill and Grade Permit and Environmental (SEPA) Review to continue periodic dredging of Lake Washington near the May Creek Delta because of soil and sediment accumulation for a period of 10 years. In recent history, the area was dredged in 1994, 1997, 2001/2002, and 2011. The proposed dredging project is estimated to be required every 3-5 years to maintain and preserve navigational access to the boathouse, shared use dock, and recreational access to Lake Washington for four (4) single-family residences (Lake Houses at Eagle Cove). Approximately 2,500 to 4,000 CY would be dredged during each dredging event. The proposed project site is located from 3905 Lake Washington Blvd N to the boat house just north of 3979 Lake Washington Blvd N (APN's 3342700011, -0009, -0007, -0005, and 0518501150) in Renton, WA. The parcels are zoned Residential-6 (R-6) and Residential-10 (R-10). The dredging and mitigation work is anticipated to be conducted in two phases, beginning in 2017.

PROJECT LOCATION: 3905, 3907, 3909 and 3979 Lake Washington Blvd N, Renton, WA 98056 and 4011 Wells Ave N, Renton, WA 98056

LEAD AGENCY: The City of Renton
Department of Community & Economic Development
Planning Division

MITIGATION MEASURES:

- 1) The Sediment Deposition Mitigation project shall be required to comply with the environmental protection and enhancement measures found in the Lake Study prepared by Meridian Environmental, Inc. (dated December 23, 2016) or updated report submitted at a later date.
- 2) The Sediment Deposition Mitigation project shall be required to comply with the conservation measures found in the Biological Assessment prepared by Meridian Environmental, Inc. (dated August 27, 2012).

ADVISORY NOTES:

The following notes are supplemental information provided in conjunction with the administrative land use action. Because these notes are provided as information only, they are not subject to the appeal process for the land use actions.

Please refer to Advisory Notes to Owner/Applicant are attached hereto labelled as Exhibit 20 from the Environmental Review Committee Report.

ADVISORY NOTES TO APPLICANT

LUA16-000977



Application Date: December 29, 2016
Name: Sediment Deposition Mitigation

Site Address: 3907 Lake Washington Blvd N
Renton, WA 98056-1500

PLAN - Planning Review - Land Use

Version 1 | February 03, 2017

Community Services Review Comments

Contact: Leslie Betlach | 425-430-6619 | LBetlach@rentonwa.gov

Recommendations: 1. There are no impacts to parks.

Planning Review Comments

Contact: Clark Close | 425-430-7289 | cclose@rentonwa.gov

1. What is the total duration of this dredging proposal? The NOA describes an every 3 5 year frequency but does not indicate the total number of years. The checklist notes a 10 year permit to be conducted over two phases. It appears that phase 1 is a single year; however, there is no information for phase 2 and how the 10 year request was derived.

2. More information is needed regarding the full extent of dredging. The checklist describes dredging 2,500 to 4,000 cubic yards at the boathouse, boat ramp, and support recreational uses in the project area. The project's purpose and areas of proposed needs must be substantiated. The applicant needs to clarify the exact areas to be dredged by parcel number; the amount to be dredged in each area of each parcel; the specific need for dredging in each area of each parcel. This information should be shown in both a table format and revised drawings (including existing topography prior to dredging and final proposed topography after dredging of the lake bed) that are sufficiently scaled and labeled. The drawings submitted with the application lacks sufficient detail to make these determinations.

3. It is our understanding that a 10 year dredging permit was issued and modified for parcel 0518501150 (Cuigini Boathouse) was already issued by the City, the Corps, WDFW, and Ecology so the inclusion of this parcel for this project is unclear. Please explain why this parcel needs to be included with this project and how this proposal modifies the previous permitted dredging.

4. As part of the Notice of Application, City staff indicated that the dredging work may inadvertently spill over onto the May Creek Delta parcel (APN 0518500000), which includes the May Creek delta, due to the close proximity of the dredging work and lack of any survey monuments in Lake Washington.

Previous environmental materials, including the Biological Assessment completed for the Barbee Mill Boathouse dredge dated July 11, 2007 specifically stated that the dredging a 10,000 square foot area by 2 feet every 3 5 years with some variation due to sediment deposition rates was the minimum necessary for the project's purpose. This was proposed as a Chinook salmon conservation measure along with other actions. Since this time, the boathouse parcel, 0518501150, requested a Corps permit to expand the dredge area by an additional 14,000 square feet without clear documentation that the initial sedimentation deposition rates had exceeded those anticipated with the smaller dredge foot print. Before either the boathouse or the May Creek delta parcel to the north are included in this dredging proposal, the applicant should provide the following:

a. Complete documentation that all previous fish habitat conservation measures required under the previous dredging permits have been fully implemented. An initial list of these measures is available in the 2007 BA and the 2012 BA for the expanded dredge at the boathouse;

b. A new bathymetry study to show that previous dredging was completed as permitted to depths and areas as shown; and

c. The location and success of previous mitigation measures for the previously permitted dredging work.

5. Also parcel 3342700009 (3907 Lake Washington Blvd N) currently does not have a dock or any structure that provides moorage. Therefore, why this parcel needs to be dredged is not apparent. Future undefined moorage needs are not a reason to allow dredging of important shallow water habitat for juvenile salmon as the moorage needs can be accommodated by other means (i.e. expansion of existing joint moorage facilities, buoys, etc.).

6. Please provide additional information regarding the necessary navigational depth profile for each parcel. This information should be presented parcel by parcel in a table.

7. Please provide monitoring data from previous dredging work. It is important to see if previous dredging work complied with Clean Water Act requirements and needs of salmon.

8. One document that was sent via email with the Notice of Application is the Biological Assessment dated August 27, 2012 is for the dredging at the Boathouse parcel (0518501150); the parcel immediately south 3342700005 (3979 Lake Washington Blvd N); and a portion of parcel 3342700007 (3909 Lake Washington Blvd N). It does not cover dredging at the other parcels noted in the master land use application or NOA. Please indicate the control mechanism to avoid any spill over onto the May Creek Delta parcel (APN 0518500000) and why dredging work of parcels 3342700009 (3907 Lake Washington Blvd N) and 3342700011 (3905 Lake Washington Blvd N) were included in the proposal.

9. The assessment regarding potential salmon impacts as described in the 2012 Biological Assessment is based on limited information (i.e. Tabor et al 2004). Much more research data and information has been collected since this and should be used in a revised Biological Assessment or another environmental assessment format.

See http://www.govlink.org/watersheds/8/pdf/LWGI_SalmonSyn123108.pdf; [http://www.govlink.org/water sheds/8/pdf/RTabor Seattle mtg 12 08 2010.pdf](http://www.govlink.org/water%20sheds/8/pdf/RTabor%20Seattle%20mtg%2012%2008%202010.pdf) and other reports by Roger Tabor and other scientists are available.

10. Please provide additional discussion and figures showing where and what mitigation was required and completed from the previous dredging permits.

11. The Sediment Sampling and Analytical Results report. From a quick review, the report is missing Attachments C and D, most importantly the actual sediment sampling results from Analytical Resources Inc. This information should be included and available for review.

PLAN - Planning Review - Land Use

Version 2 | March 02, 2017

Engineering Review Comments	Contact: Justin Johnson 425-430-7291 jtjohnson@rentonwa.gov
Recommendations: A copy of the existing topography (prior to dredging) and final topography (after dredging) of the lake bed shall be provided to the City of Renton.	
Recommendations: A traffic control plan will need to be submitted and approved prior to the start of construction. Construction hours shall be in accordance with City Standards (Monday 7:00 am - 8:00 pm, hauling hours: Monday - Friday (8:30 AM - 3:00 PM) or as established in the approved traffic control plan.	
Planning Review Comments	Contact: Clark Close 425-430-7289 cclose@rentonwa.gov
<p>RESOLVED:</p> <ol style="list-style-type: none"> 1. What is the total duration of this dredging proposal? The NOA describes an every 3 5 year frequency but does not indicate the total number of years. The checklist notes a 10 year permit to be conducted over two phases. It appears that phase 1 is a single year; however, there is no information for phase 2 and how the 10 year request was derived. 2. More information is needed regarding the full extent of dredging. The checklist describes dredging 2,500 to 4,000 cubic yards at the boathouse, boat ramp, and support recreational uses in the project area. The project's purpose and areas of proposed needs must be substantiated. The applicant needs to clarify the exact areas to be dredged by parcel number; the amount to be dredged in each area of each parcel; the specific need for dredging in each area of each parcel. This information should be shown in both a table format and revised drawings (including existing topography prior to dredging and final proposed topography after dredging of the lake bed) that are sufficiently scaled and labeled. The drawings submitted with the application lacks sufficient detail to make these determinations. 3. It is our understanding that a 10 year dredging permit was issued and modified for parcel 0518501150 (Cuigini Boathouse) was already issued by the City, the Corps, WDFW, and Ecology so the inclusion of this parcel for this project is unclear. Please explain why this parcel needs to be included with this project and how this proposal modifies the previous permitted dredging. 4. As part of the Notice of Application, City staff indicated that the dredging work may inadvertently spill over onto the May Creek Delta parcel (APN 0518500000), which includes the May Creek delta, due to the close proximity of the dredging work and lack of any survey monuments in Lake Washington. <p>Previous environmental materials, including the Biological Assessment completed for the Barbee Mill Boathouse dredge dated July 11, 2007 specifically stated that the dredging a 10,000 square foot area by 2 feet every 3 5 years with some variation due to sediment deposition rates was the minimum necessary for the project's purpose. This was proposed as a Chinook salmon conservation measure along with other actions. Since this time, the boathouse parcel, 0518501150, requested a Corps permit to expand the dredge area by an additional 14,000 square feet without clear documentation that the initial sedimentation deposition rates had exceeded those anticipated with the smaller dredge foot print. Before either the boathouse or the May Creek delta parcel to the north are included in this dredging proposal, the applicant should provide the following:</p> <ol style="list-style-type: none"> a. Complete documentation that all previous fish habitat conservation measures required under the previous dredging permits have been fully implemented. An initial list of these measures is available in the 2007 BA and the 2012 BA for the expanded dredge at the boathouse; b. A new bathymetry study to show that previous dredging was completed as permitted to depths and areas as shown; and c. The location and success of previous mitigation measures for the previously permitted dredging work. <p>5. Also parcel 3342700009 (3907 Lake Washington Blvd N) currently does not have a dock or any structure that provides moorage. Therefore, why this parcel needs to be dredged is not apparent. Future undefined moorage needs are not a reason to allow dredging of important shallow water habitat for juvenile salmon as the moorage needs can be accommodated by other means (i.e. expansion of existing joint moorage facilities, buoys, etc.).</p> <p>6. Please provide additional information regarding the necessary navigational depth profile for each parcel. This information should be presented parcel by parcel in a table.</p> <p>7. Please provide monitoring data from previous dredging work. It is important to see if previous dredging work complied with Clean Water Act requirements and needs of salmon.</p> <p>8. One document that was sent via email with the Notice of Application is the Biological Assessment dated August 27, 2012 is for the dredging at the Boathouse parcel (0518501150); the parcel immediately south 3342700005 (3979 Lake Washington Blvd N); and a portion of parcel 3342700007 (3909 Lake Washington Blvd N). It does not cover dredging at the other parcels noted in the master land use application or NOA. Please indicate the control mechanism to avoid any spill over onto the May Creek Delta parcel (APN 0518500000) and why dredging work of parcels 3342700009 (3907 Lake Washington Blvd N) and 3342700011 (3905 Lake Washington Blvd N) were included in the proposal.</p> <p>9. The assessment regarding potential salmon impacts as described in the 2012 Biological Assessment is based on limited information (i.e. Tabor et al 2004). Much more research data and information has been collected since this and should be used in a revised Biological Assessment or another environmental assessment format.</p> <p>See http://www.govlink.org/watersheds/8/pdf/LWGI_SalmonSyn123108.pdf; http://www.govlink.org/water sheds/8/pdf/RTabor Seattle mtg 12 08 2010.pdf and other reports by Roger Tabor and other scientists are available.</p> <p>10. Please provide additional discussion and figures showing where and what mitigation was required and completed from the previous dredging permits.</p> <p>11. The Sediment Sampling and Analytical Results report. From a quick review, the report is missing Attachments C and D, most importantly the actual sediment sampling results from Analytical Resources Inc. This information should be included and available for review.</p> <p>Recommendations: 1. RMC section 4 4 030.C.2 limits haul hours between 8:30 am to 3:30 pm, Monday through Friday unless otherwise</p>	



PLAN - Planning Review - Land Use

Version 2 | March 02, 2017

Planning Review Comments	Contact: Clark Close 425-430-7289 cclose@rentonwa.gov
<p>approved by the Development Services Division.</p> <p>2. Nonresidential construction activities shall be restricted to the hours between seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m., Monday through Friday. Work on Saturdays shall be restricted to the hours between nine o'clock (9:00) a.m. and eight o'clock (8:00) p.m. No work shall be permitted on Sundays.</p> <p>3. The applicant will be required to provide a Temporary Erosion and Sedimentation Control Plan (TESCP) designed pursuant to the Department of Ecology's Erosion and Sediment Control Requirements.</p> <p>4. The applicant may not fill, excavate, stack or store any equipment, dispose of any materials, supplies or fluids, operate any equipment, install impervious surfaces, or compact the earth in any way within the area defined by the drip line of any tree to be retained.</p> <p>5. This permit is shall comply with the Bald and Golden Eagle Protection Act. The permitted is responsible for adhering to the U.S. Fish and Wildlife Service National Bald Eagle Management Guidelines (2007) and /or your U.S. Fish and Wildlife Service permit.</p> <p>6. Other permits from other agencies may be required prior to construction. Required permits may include but are not limited to a Department of Ecology Water Quality Certification, Amendment of an existing Hydraulic Project Approval from Washington State Department of Fish and Wildlife, and an Amendment of an existing U.S. Army Corps of Engineers dredge permit.</p>	

NOTICE

OF ENVIRONMENTAL DETERMINATION AND PUBLIC HEARING ISSUANCE OF A DETERMINATION OF NON-SIGNIFICANCE – MITIGATED (DNS-M) POSTED TO NOTIFY INTERESTED PERSONS OF AN ENVIRONMENTAL ACTION

PROJECT NAME: SEDIMENT DEPOSITION MITIGATION
PROJECT NUMBER: LUA16-000977, ECF, SM
LOCATION: 3905, 3907, 3909 and 3979 Lake Washington Blvd N, Renton, WA 98056 and 4011 Wells Ave N, Renton, WA 98056
DESCRIPTION: The applicant is requesting approval of a Shoreline Substantial Development Permit, a Hearing Examiner Special Fill and Grade Permit and Environmental (SEPA) Review to continue periodic dredging of Lake Washington near the May Creek Delta because of soil and sediment accumulation for a period of 10 years. In recent history, the area was dredged in 1994, 1997, 2001/2002, and 2011. The proposed dredging project is estimated to be required every 3-5 years to maintain and preserve navigational access to the boathouse, shared use dock, and recreational access to Lake Washington for four (4) single-family residences (Lake Houses at Eagle Cove). Approximately 2,500 to 4,000 CY would be dredged during each dredging event. The proposed project site is located from 3905 Lake Washington Blvd N to the boat house just north of 3979 Lake Washington Blvd N (APN's 3342700011, -0009, -0007, -0005, and 0518501150) in Renton, WA. The parcels are zoned Residential-6 (R-6) and Residential-10 (R-10). The dredging and mitigation work is anticipated to be conducted in two phases, beginning in 2017.

THE CITY OF RENTON ENVIRONMENTAL REVIEW COMMITTEE (ERC) HAS DETERMINED THAT THE PROPOSED ACTION HAS PROBABLE SIGNIFICANT IMPACTS THAT CAN BE MITIGATED THROUGH MITIGATION MEASURES.

Appeals of the environmental determination must be filed in writing on or before 5:00 p.m. on March 24, 2017 together with the required fee with: Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057. Appeals to the Hearing Examiner are governed by RMC 4-8-110 and more information may be obtained from the Renton City Clerk's Office, (425) 430-6510.

A PUBLIC HEARING WILL BE HELD BY THE RENTON HEARING EXAMINER AT HIS REGULAR MEETING IN THE COUNCIL CHAMBERS ON THE 7TH FLOOR OF CITY HALL, 1055 SOUTH GRADY WAY, RENTON, WASHINGTON, ON **APRIL 18, 2017 AT 12:00 P.M.** TO CONSIDER THE PRELIMINARY PLANNED URBAN DEVELOPMENT. IF THE ENVIRONMENTAL DETERMINATION IS APPEALED, THE APPEAL WILL BE HEARD AS PART OF THIS PUBLIC HEARING.



FOR FURTHER INFORMATION, PLEASE CONTACT THE CITY OF RENTON, DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT AT (425) 430-7200.

DO NOT REMOVE THIS NOTICE WITHOUT PROPER AUTHORIZATION

PLEASE INCLUDE THE PROJECT NUMBER WHEN CALLING FOR PROPER FILE IDENTIFICATION.